

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
SUSAN PINSKY,

Plaintiff,

07 Civ 3328 (CM)

- against -

**DECLARATION OF
DR. STEPHEN WEINBERG**

JP MORGAN CHASE & CO.,

Defendant.
----- X

STEPHEN WEINBERG declares, under penalty of perjury, as follows:

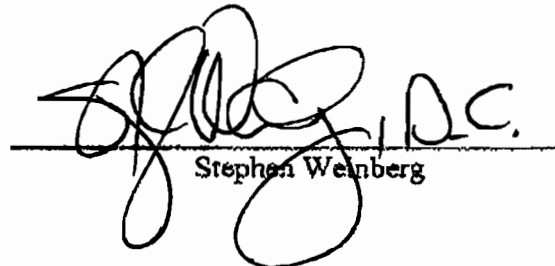
1. I am a Doctor of Chiropractic licensed to practice chiropractic in the State of New York. I have been a chiropractor since 1987.
2. I first came to treat Susan Pinsky in April 2004 because she was complaining about lower back pain on the right side. I diagnosed her problem as a lower back sprain/strain of the lumbosacral spine. I did adjustments and adjunctive therapies over the course of four weeks and had her do therapeutic exercises, and she reported an alleviation of the pain.
3. Ms. Pinsky returned in February 2005 and reported acute lower back pain and spasms exacerbated by extended periods of sitting.
4. On February 23, 2005, I wrote a note to Ms. Pinsky's employer requesting that she be provided with a "standing desk" so that she could avoid having to sit while working for more than a short period of time. I advised her employer that if Ms. Pinsky did not refrain from sitting for more than 20 to 30 minutes, her symptoms would be exacerbated.
5. A standing desk allows a user to adjust its height so as to allow work while sitting or standing. The chair associated with such a desk must be ergonomically adjusted to alleviate

pressure on the affected area. Such a desk also provides foot support for the period when work is done in a sitting position; such support helps take pressure off the lower back.

6. On March 11, 2005, Miss Pinsky came to see me following a sudden onset of acute back pain due to poor seating.

7. On June 9, 2005, Ms. Pinsky appeared reporting excruciating pain. An MRI revealed degenerative change in the L5-S1 disk with a central disc protrusion. Clearly, her condition had degenerated. Ms. Pinsky advised me that she was not provided with a standing desk, but, rather, with a tall, unadjustable desk and a high stool which provided no foot support. In my professional opinion, sitting on a stool without foot support contributed to worsening of her condition.

Dated: New York, New York
June 19, 2008


Stephen Weinberg